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AUG 20 2004  
PATENT & TRADEMARK OFFICE  
IN THE  
UNITED STATES PATENT AND TRADEMARK OFFICE

Investor(s): Winthrop D. Childers et al.  
Application No.: 10/808,945

Confirmation No.:  
Examiner: Unassigned

Filing Date: Mar. 25, 2004

Group Art Unit:

Title: METHOD OF SORTING CELLS ON A BIODEVICE

Mail Stop  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Sir:

Transmitted herewith is/are the following in the above-identified application:

( ) Response/Amendment ( ) Petition to extend time to respond  
( ) New fee as calculated below ( ) Supplemental Declaration  
( ) No additional fee  
(X) Other: SIDS; PTO 1449; Return Postcard (fee \$       )

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS		MINUS		= 0	X \$18	\$ 0
INDEP. CLAIMS		MINUS		= 0	X \$86	\$ 0
[ ] FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM				+ \$280	\$ 0	
EXTENSION FEE	1ST MONTH \$110.00	2ND MONTH \$420.00	3RD MONTH \$950.00	4TH MONTH \$1480.00		\$ 0
OTHER FEES					\$	
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$	0

Charge \$ 0 to Deposit Account 08-2025. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Winthrop D. Childers et al.

By Paul S. Grunzweig

Paul S. Grunzweig

Attorney/Agent for Applicant(s)  
Reg. No. 37,143

Date of Deposit: Aug. 17, 2004  
Typed Name: Paul S. Grunzweig  
Signature: Paul S. Grunzweig

Date: Aug. 17, 2004

IN THE  
UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR(S): Winthrop D. Childers et al.

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Mail Stop Amendment  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

This Information Disclosure Statement is submitted:

(X) under 37 CFR 1.97(b), or  
(Within three months of filing national application; or date of entry of national application; or before mailing date of first office action on the merits; whichever occurs last)

( ) under 37 CFR 1.97 (c) together with either a:  
( ) Statement under 37 CFR 1.97(e), or  
( ) a \$180.00 fee under 37 CFR 1.17(p), or  
(After the CFR 1.97 (b) time period, but before final action or notice of allowance, whichever occurs first)

( ) under 37 CFR 1.97 (d) together with a:  
( ) Statement under 37 CFR 1.97(e)(1) or (2), and  
( ) a \$180.00 fee set forth in 37 CFR 1.17(p).  
(Filed after final action, a notice of allowance, on or before payment of the issue fee)

Please charge to Deposit Account **08-2025** the sum of \$0.00. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account **08-2025** pursuant to 37 CFR 1.25.

(X) Applicant(s) submit herewith Form PTO 1449 - Information Disclosure Statement together with any required copies of patents, publications or other information of which applicant(s) are aware, which applicant(s) believe(s) may be material to the examination of this application and for which there may be a duty to disclose in accordance with 37 CFR 1.56.

( ) A concise explanation of the relevance of foreign language patents, foreign language publications and other foreign language information listed on PTO Form 1449, as presently understood by the individual(s) designated in 37 CFR 1.56 (c) most knowledgeable about the content is given on the attached sheet, or where a foreign language patent is cited in a search report or other action by a foreign patent office in a counterpart foreign application; an English language version of the search report or action which indicates the degree of relevance found by the foreign office is listed on form PTO 1449 and is enclosed herewith.

It is requested that the information disclosed herein be made of record in this application.

(X) I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450. Date of Deposit: Aug. 17, 2004  
OR

( ) I hereby certify that this paper is being transmitted to the Patent and Trademark Office facsimile number \_\_\_\_\_ on \_\_\_\_\_.  
Number of pages: \_\_\_\_\_

Typed Name: Paul S. Grunzweig

Signature: Paul S. Grunzweig

Respectfully submitted,

Winthrop D. Childers et al.

By

Paul S. Grunzweig

Paul S. Grunzweig

Attorney/Agent for Applicant(s)  
Reg. No. 37,143

Date: Aug. 17, 2004

Telephone No.: (612) 767-2504



PATENT APPLICATION

Sheet 1 of 2

FORM PTO-1449

LIST OF PATENTS AND PUBLICATIONS FOR  
APPLICANT'S INFORMATION DISCLOSURE  
STATEMENT

(Use several sheets if necessary)

ATTY. DOCKET NO.	APPLICATION NO.	CONFIRMATION NO.
200314152	10/808,945	
APPLICANT		
Winthrop D. Childers et al.		
FILING DATE	GROUP	
Mar. 25, 2004		

REFERENCE DESIGNATION U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	PUBLICATION DATE	NAME	Pages, Columns, Lines Where Relevant Passages or Figures Appear
1A	5,344,535	Sept. 6, 1994	Betts et al.	
1B	6,610,188	Aug. 26, 2003	Fuhr et al.	
1C	6,641,708	Nov. 4, 2003	Becker et al.	
1D	6,660,493	Dec. 9, 2003	Miles	
1E	6,673,225	Jan. 6, 2004	Arnold	
1F	6,685,812	Feb. 3, 2004	Miles	
1G	6,727,451	Apr. 27, 2004	Fuhr et al.	
1H	6,730,204	May 4, 2004	Mariella, Jr.	
1I	6,761,811	Jul. 13, 2004	Mariella, Jr.	
1J	6,749,736	Jun. 15, 2004	Fuhr et al.	
1K	2003/0121788	Jul. 3, 2003	Gascoyne et al.	

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	PUBLICATION DATE	NAME OF PATENTEE OR APPLICANT	Pages/Columns/Lines Where Relevant Passages/Figures Appear	Check if Translation attached
	1L					
	1M					
	1N					
	1O					
	1P					

OTHER REFERENCES (including Author, Title, Date, Pertinent Pages, etc.)

1Q	
1R	
1S	

EXAMINER

DATE CONSIDERED


**PATENT APPLICATION**

Sheet 2 of 2

FORM PTO-1449

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FILING DATE <b>Mar. 25, 2004</b>	GROUP	

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**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER	PUBLICATION DATE	NAME	Pages, Columns, Lines Where Relevant Passages or Figures Appear
2A	2003/0159932	Aug. 28, 2003	Betts et al.	
2B	2004/0011652	Jan. 22, 2004	Bressler	
2C				
2D				
2E				
2F				
2G				
2H				
2I				
2J				
2K				

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2Q	
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